

Notice of Allowability

Application No.

10/687,858

Examiner

Vinh T Luong

Applicant(s)

ALLEAI, DARYOUSH

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/22/05.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 17 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03172005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Vinh T. Luong
Primary Examiner

1. Applicant's election without traverse of the species of Figs. 9 and 10 in the reply filed on January 22, 2005 is acknowledged.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Tod A. Myrum on March 17, 2005.

Cancel claims 17 and 18 drawn to the nonelected species.

4. Claims 1-16 are allowed.
5. The following is an examiner's statement of reasons for allowance:

(a) the closest prior art, *i.e.*, the publication "Mode Localization Phenomena in Large Space Structure" of Bendiksen does not teach or suggest the method of producing an optimized structure design incorporating vibration confinement, and especially, the limitation "a confinement region" in claims 1 and 6. See Applicant's Fig. 10 and the decision of the Board of Patent Appeals and Interferences on December 23, 2002 during the prosecution of parent Application No. 09/328,918; and

(b) a rejection of the claims in this application based on judicially created doctrine of obviousness type double patenting over the claims of US Patent No. 6,116,389, US Patent No. 6,032,552, or copending Application No. 10688462 (which will be issued as US Patent No. 6,871,565 on March 29, 2005), would be improper because the claims of US Patent No. 6,116,389, US Patent No. 6,032,552, or Application No. 10688462 do not recite the claimed step

Art Unit: 3682

such as "providing *structural specifications* for the structure" (emphasis added) required in claims 1 and 6 of this application. Moreover, the claims of US Patent No. 6,116,389, US Patent No. 6,032,552, or Application No. 10688462 do not suggest the claimed step of "providing *structural specifications* for the structure" recited in claims 1 and 6 of this application or *vice versa*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hull (claims 1-12), Wakui (vibration isolation platform or confinement region 61), Ito (vibration compensation device 4), Allaei (claims 1-7), Shoureshi (claim 15), and Langlechner (claims 1-5).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 703-308-3221. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

March 17, 2005



Vinh T. Luong
Primary Examiner